

1-1 By: Watson S.B. No. 1385  
1-2 (In the Senate - Filed March 7, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 16, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 16, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1385 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of certain audio or video material produced by  
1-11 or under the direction of an appellate court; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 22, Government Code, is  
1-14 amended by adding Sections 22.303 and 22.304 to read as follows:

1-15 Sec. 22.303. USE OF COURT PRODUCED AUDIO OR VIDEO MATERIALS  
1-16 IN POLITICAL ADVERTISING PROHIBITED. (a) A person may not use  
1-17 audio or video materials produced by or under the direction of an  
1-18 appellate court in political advertising.

1-19 (b) For purposes of Section 571.122, this section is a law  
1-20 administered and enforced by the Texas Ethics Commission. After a  
1-21 formal hearing held as provided by Subchapter E, Chapter 571, the  
1-22 commission may impose a civil penalty against a person who violates  
1-23 this section. The amount of the penalty may not exceed \$5,000 for  
1-24 each violation.

1-25 (c) Subsection (a) does not prohibit describing or quoting  
1-26 the verbal content of the audio or video materials in political  
1-27 advertising.

1-28 (d) In this section, "political advertising" has the  
1-29 meaning assigned by Section 251.001, Election Code.

1-30 Sec. 22.304. COMMERCIAL USE OF COURT PRODUCED AUDIO OR  
1-31 VIDEO MATERIALS. (a) A person may not use audio or video materials  
1-32 produced by or under the direction of an appellate court for a  
1-33 commercial purpose unless the court that produced the audio or  
1-34 video materials or under whose direction the audio or video  
1-35 materials were produced gives written permission for the person's  
1-36 commercial use and:

1-37 (1) the person uses the audio or video materials only  
1-38 for educational or public affairs programming, including news  
1-39 programming, that does not also constitute a use prohibited under  
1-40 Section 22.303; or

1-41 (2) the person transmits to paid subscribers an  
1-42 unedited feed of the audio or video materials.

1-43 (b) A person who violates Subsection (a) commits an offense.  
1-44 An offense under this subsection is a Class C misdemeanor.

1-45 (c) An appellate court is not required to give its  
1-46 permission to a person to use the materials for a purpose described  
1-47 by Subsection (a)(2) and may limit the number of persons to whom it  
1-48 grants permission to use the materials for a purpose described by  
1-49 Subsection (a)(2).

1-50 (d) Subsection (a) does not prohibit compiling, describing,  
1-51 quoting from, analyzing, or researching the verbal content of the  
1-52 audio or video materials for a commercial purpose.

1-53 (e) In addition to the criminal penalty that may be imposed  
1-54 under Subsection (b), the attorney general shall enforce this  
1-55 section at the request of an appellate court by bringing a civil  
1-56 action to enjoin a violation of Subsection (a).

1-57 (f) In this section, "commercial purpose" means a purpose  
1-58 that is intended to result in a profit or other tangible benefit.

1-59 SECTION 2. Sections 22.303 and 22.304, Government Code, as  
1-60 added by this Act, apply to conduct occurring on or after the  
1-61 effective date of this Act, regardless of the date the audio or  
1-62 video materials involved in the conduct were produced.

1-63 SECTION 3. This Act takes effect September 1, 2007.

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